GAHC010129962025

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3543/2025

MOTIOR RAHMAN AND 4 ORS.
S/O LT. MAULABI ABDUL RAHMAN, R/O VILL- KATAJHAR GAON, P.O.- GABARDHANA, PIN-781315, P.S.- GABARDHANA, DIST- BAKSA (BTC), ASSAM

2: MIJANUR RAHMAN
S/O LT. MAULABI ABDUL RAHMAN
R/O VILL- KATAJHAR GAON
P.O.- GABARDHANA
PIN-781315
P.S.- GABARDHANA
DIST- BAKSA (BTC)
ASSAM

3: MUKHLESAR RAHMAN
S/O LT. MAULABI ABDUL RAHMAN
R/O VILL- KATAJHAR GAON
P.O.- GABARDHANA
PIN-781315
P.S.- GABARDHANA
DIST- BAKSA (BTC)
ASSAM

4: MUSTAFIJUR RAHMAN
S/O LT. MAULABI ABDUL RAHMAN
R/O VILL- KATAJHAR GAON
P.O.- GABARDHANA
PIN-781315
P.S.- GABARDHANA
DIST- BAKSA (BTC)
ASSAM

5: RAHIMA KHATUN
D/O LT. ABDUL RAHMAN
R/O VILL- KATAJHAR GAON

P.O.- GABARDHANA
PIN-781315
P.S.- GABARDHANA
DIST- BAKSA (BTC)
ASSA

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT, DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES
DISPUR
GUWAHATI-6

3:THE SECRETARY
MARKET AND FAIRS DEPARTMENT
BODOLAND AUTONOMOUS COUNCIL
AT KOKRAJHAR
DIST- KOKRAJHAR (BTAD)
ASSAM
PIN-783370

4:THE BODOLAND TERRITORIAL AREA DISTRICTS
AT KOKRAJHAR
REPRESENTED BY ITS PRINCIPAL SECRETARY
P.O.- KOKRAJHAR
DIST- KOKRAJHAR (BTAD)
ASSAM
PIN-783370

5:JOINT SECRETARY
BODOLAND TERRITORIAL COUNCIL
BODOFA NWGWR
KOKRAJHAR
P.O.- KOKRAJHAR
DIST- KOKRAJHAR (BTAD)
ASSAM
PIN-783370

6:SUBDIVISIONAL POLICE OFFICER
GOSAIGAON
P.O.- KOKRAJHAR
DIST- KOKRAJHAR (BTAD)
ASSAM

PIN-78337

Advocate for the petitioner(s): Mr. MA Sheikh

Advocate for the respondent(s): Ms. M Kataki Standing Counsel
AH & Vet Department, Govt. of Assam
Ms. U Das, Addl. Sr. Govt. Advocate
Mr. BC Musahary,
Standing Counsel BTC

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

08.10.2026

Heard Mr. MA Sheikh, the learned counsel appearing on behalf of the Petitioners. Also heard Ms. M Kataki, the learned Standing Counsel, Animal Husbandry and Veterinary Department, Govt. of Assam, who appears on behalf of Respondent No.1; Ms. U Das, the learned Addl. Senior Govt. Advocate, Assam, who appears on behalf of Respondent No.2 and Mr. BC Musahary, the learned Standing Counsel, BTC who appears on behalf of the Respondent Nos.3 to 5.

2. The present writ petition has been filed by the Petitioners assailing the order dated 08.04.2025 whereby the Petitioners representation submitted on 18.07.2024 was rejected on the ground

that the Government of Assam had prohibited all and any kind of operation of cattle markets in the State of Assam and also requested the BTC authorities to stop functioning of all cattle markets.

3. This Court enquired with Ms. M Katati, the learned Standing Counsel AH & VET Department appearing on behalf of the Respondent No.1 as to whether there is a ban on the operation of cattle markets in the State of Assam. The learned Standing Counsel submitted that there is no ban in the operation of a cattle market in Assam. However, such cattle markets can only be operated in terms with the ***Cattle Preservation Act, 2021***.

4. Considering the above, it is, therefore, the opinion of this Court that the rejection of the Petitioners' representation vide the order dated 08.04.2025 is without any application of mind and was an unreasonable and arbitrary exercise. Accordingly, this Court, interferes with the order dated 08.04.2025 impugned in the present proceedings.

5. This Court further disposes of the present writ petition with the following observation(s) and direction(s):

(i). The order dated 08.04.2025 passed by the Joint Secretary, Bodoland Territorial Council is set aside and quashed.

(ii). The Respondent Nos.3 to 5, more particularly the Respondent No.3 is directed to take a fresh decision on the representation dated

18.07.2024 by taking into account the provisions of the ***Cattle Preservation Act, 2021.***

(iii). This Court further grants liberty to the Petitioners to submit fresh representation, along with the certified copy of this order to the Respondent No.3 as the same would aid in taking proper decision on the said representation.

(iv). This Court further directs that upon receipt of the fresh representation along with the certified copy of this order by the Respondent No.3, a decision be taken by the Respondent No.3 within a period of 2(two) months from the date of service of the representation along with the certified copy of the instant order.

JUDGE

Comparing Assistant